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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/874,421

Filing Date: June 05, 2001

Appellant(s): LORD, WILLIAM P.

Robert M. McDermott
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/16/07 appealing from the Office action

mailed 10/19/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,772,438	BLACKKETTER ET AL.	8-2004
2002/0056082	HULL ET AL.	5-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 18, 20-22 and 23-24 rejected under 35 U.S.C. 102(e) as being anticipated by **Blackketter et al (6,772,438)**.

As to claim 18, note the **Blackketter** reference figures 2-5, discloses method and apparatus for retrieving data from a broadcast signal and further discloses a system comprising:

A broadcast interface (Receiver R-200, Input 206) that is configured to receive broadcast video (fig.3, col.4, lines 20-51);

A web interface (Input 206) that is configured to receive web content (col.4, lines 62-67);

A controller (Processor/Decoder 230) that is configured to receive a record command and to concurrently initiate a recording of the broadcast video and a recording of the web content, to facilitate a concurrent playback of the broadcast video and the web content (col.4, line 30-col.5, line 25, line 49-col.6, line 2 and line 45-col.7, line 28), note that the R-200 is coupled to a storage device 204 which stores TV signals (TV content/web content and associated data (instructions, synchronization data) via the Transmitter or Head end) and upon receipt of these signals Processor/Decoder 230 insures a record command and in response to the record command, initiates concurrent recording of the signals on the storage medium and play back (replay) of the signals in response to a play back command. Blackketter further teaches the received TV signals includes encoded web content in addition to URL and associated time stamps, which

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the receiver ignores if the web content is received with the TV content. On the other hand if the web content is not received with the TV content, the URL and associated time stamps is used to retrieve the web content from a web site associated with the URL via communication link 212 and recorded at the receiver, which meets the claim limitation, "...determining a web server associated with the broadcast video, downloading web content from the web server, initiating a second recording of the web content, and associating the second recording to the first recording to facilitate access to the second recording when the first recording is accessed."

Claim 20 is met as previously discussed with respect to claim 18.

As to claim 21, Blackketter further discloses a display device (TV-202) that is configured to display the playback of the broadcast video and the web content (col.4, lines 30-62 and col.5, lines 22-25).

As to claim 21, Blackketter further discloses where the controller is configured to enable access to a web server that provides the web content associated with the broadcast (col.4, lines 39-65).

As to claims 23-24, the claimed "A method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 18.

Claims 1-8, 10-12, 19 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Blackketter et al (6,772,438)** in view of **Hull et al (2002/0056082)**.

As to claims 1-5, note the **Blackketter** reference figures 2-5, discloses method and apparatus for retrieving data from a broadcast signal and further discloses a

method for recording a television program broadcast by a TV broadcaster and a web content communicated by a web server, the method comprising:

(Receiver 'R' 200) Receiving a request to record the television program selected by a user (col.4, lines 39-46), R-200 receives and stores TV program in storage 204;

(Processor 'CPU' 230 commands Data Interface 'DI' 226 or Modem) establishing a web connection to the web server of the TV broadcaster (col.4, lines 12-19 and lines 43-67);

(CPU-230) downloading the web content responsive to the television program (col.4, lines 39-67 and col.5, lines 50-60); and

Storing in a memory (Storage 204) the television and the downloaded web content in response to record the television program (col.4, lines 39-67 and col.5, lines 50-60), note that the receiver upon a viewer's interaction or request, concurrently records/playback the television program and web content or URL received via a first medium (Broadcast Signal 206) from the TV broadcaster or records a second web content downloaded via a second medium (Communication link or Internet 212) from a web server when the user interacts with the first recording permitting the user to interact with the source of television broadcast to transmit and receive data across communication link 212 or Internet.

Blackketter, teaches A Transmitter that synchronizes TV content with web content and other control data (e.g., URL with time stamps) (col.6, line 45-col.7, line 22), but silent to explicitly teach synchronizing for storing in a memory the TV program and the downloaded web content, retrieving and replaying the stored TV program and the

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web content responsive to the web content responsive to the TV program in the synchronized manner.

However, note the **Hull** reference figures techniques for receiving information during multimedia presentations and further discloses a presentation recorder Appliance 'PRA' 100, which receives multimedia presentation source and external source synchronizes for storage using time stamps within the received sources and retrieves for presentation to a user (page 2, [0031-0033], [0038-0041] and page 11, [0112-0115])

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hull into the system of Blackketter to synchronized and stored selected TV program and web content in a format for later retrieval or playback at anytime as desired or provide a personal archive of synchronized TV program and web content to allow anyone to review at a later time.

As to claim 6, Blackketter further discloses where the TV program is received from cable, satellite and antenna (col.4, lines 8-11)

As to claim 7, Blackketter further discloses where the TV broadcaster includes a proxy or unaffiliated entity providing an interactive capability between the user and the web of the TV broadcaster (col.4, lines 60-67).

As to claims 8 and 10, the claimed "a method for providing a synchronized replay of a television program and the corresponding web content..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-5.

Claim 11 is met as previously discussed with respect to claim 6.

Claim 12 is met as previously discussed with respect to claim 7.

As to claim 19, Blackketter teaches all the claimed limitation as previously discussed with respect to claim 18, fails to explicitly teach where the controller is configured to add synchronizing data to at least one of the recordings of the broadcast video and the web content to facilitate a synchronized playback of the broadcast video and the web content.

However, note the Hull reference figures techniques for receiving information during multimedia presentations and further discloses a presentation recorder Appliance 'PRA' 100, which receives multimedia presentation source and external source and adds synchronize data using time stamps within the received sources and retrieves for presentation or playback to a user (page 2, [0031-0033], [0038-0041] and page 11, [0112-0115])

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hull into the system of Blackketter to synchronize and stored selected TV program and web content in a format for later retrieval or playback at anytime as desired or provide a personal archive of synchronized TV program and web content to allow anyone to review at a later time.

As to claims 25-26, Blackketter teaches all the claimed limitation as previously discussed with respect to claim 23, but fails to explicitly teach where the controller is configured to add synchronizing data to at least one of the recordings of the broadcast video and the web content(s) to facilitate a synchronized playback of the broadcast video and the web content(s)

However, Hull discloses this claimed limitation as discussed with respect to the rejection of claim 19.

(10) Response to Argument

With respect to claims 18, 20-22 and 23-24 rejected under 35 U.S.C. 102(e) as being anticipated by **Blackketter et al (6,772,438)**, Appellant argues that: “...Blackketter fails to teach a controller that is configured to receive a record command, and concurrently initiate a recording of the broadcast video and a recording of the web content...” that “...fails to teach...playback command, and to concurrently initiate the playback...”(see page labeled 8 of 19 of Appellant’s Brief).

In response, Examiner respectfully disagrees. Examiner notes Appellant’s arguments, however, Blackketter teaches a Receiver (R-200, coupled to a Storage Device ‘SD’ 204, fig.3, col.4, lines 20-38), which receives and stores TV signals (TV content/web content and associated data (instructions, synchronization data) via the Transmitter or Head end) and upon receipt of these signals Processor/Decoder 230 insures a record command and in response to the record command, initiates concurrent recording (SD-204) of the signals and play back (replay) of the signals in response to a play back command (col.4, line 30-col.5, line 25, line 49-col.6, line 2 and line 45-col.7, line 28). Blackketter further teaches that the received TV signals includes encoded web content in addition to URL and associated time stamps, which the receiver ignores if the web content is received with the TV content. On the other hand, if the web content is not received concurrently with the TV content, the URL is used to retrieve the web content from a web site associated with the URL via communication link 212 and recorded at

the receiver, which meets the claims limitations. In particular, by recording and playing back video that already has encoded web content, the system necessarily records and plays back video concurrently with web content as claimed. Hence the 102(e) rejection of claims 18, 20-22 and 23-24 using Blackketter is proper, meets all the claims limitations and should be sustained.

With respect to claims 1-8, 10-12, 19 and 25-26 rejected under 35 U.S.C. 103(a) as being unpatentable over **Blackketter et al (6,772,438)** in view of **Hull et al (2002/0056082)**, Appellant argues that, "...Blackketter fails to teach storing a television program and corresponding downloaded web content in response to a request to record the television program..." that "...fails to teach replaying the stored television program and the downloaded web content responsive to a request to replay..."(see page labeled 10 of 19 of Appellant's Brief).

In response, Examiner respectfully disagrees. Examiner notes Appellant's arguments, however, Blackketter teaches a Receiver (R-200, coupled to a Storage Device 'SD' 204, fig.3, col.4, lines 20-38), which receives and stores TV signals (TV content/web content and associated data (instructions, synchronization data) via the Transmitter or Head end) and upon receipt of these signals Processor/Decoder 230 insures a record command and in response to the record command, initiates concurrent recording (SD-204) of the signals and play back (replay) of the signals in response to a play back command (col.4, line 30-col.5, line 25, line 49-col.6, line 2 and line 45-col.7, line 28). Blackketter further teaches that the received TV signals includes encoded web content in addition to URL and associated time stamps, which the receiver ignores if the

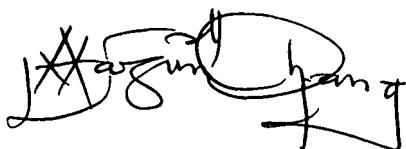
web content is received with the TV content. On the other hand, if the web content is not received concurrently with the TV content, the URL is used to retrieve the web content from a web site associated with the URL via communication link 212 and recorded at the receiver, which meets the claims limitations. Blackketter further teaches that the user can interact (request) play back of the recorded TV content and web content. Blackketter, teaches a Transmitter that associates synchronizes data with the TV content/web content and other control data (e.g., URL with time stamps) (col.6, line 45-col.7, line 22), but silent to explicitly teach synchronizing for storing in a memory the TV program and the downloaded web content, retrieving and replaying the stored TV program and the web content responsive to the web content responsive to the TV program in the synchronized manner. However, in the same field of endeavor, **Hull** remedies techniques for receiving information during multimedia presentations, discloses a presentation recorder Appliance 'PRA' 100, which receives multimedia presentation source and external source and synchronizes for storage using time stamps within the received sources and retrieves for presentation to a user (page 2, [0031-0033], [0038-0041] and page 11, [0112-0115]). Hence the 103(a) rejection of claims 1-8, 10-12, 19 and 25-26 using Blackketter in view of Hull is proper, meets all the claims limitations and should be sustained.

(11) Related Proceeding(s) Appendix

None.

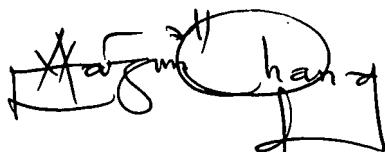
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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